

**Testimony of David Sutherland – Director of Government Relations
Before the Commerce Committee – February 24th, 2011**

IN OPPOSITION TO BILL 1020

I am here today on behalf of The Nature Conservancy to express our strong opposition to Bill 1020 AAC WATER RESOURCES AND ECONOMIC DEVELOPMENT, which would amend the statute under which P.A. 05-142 directed the Department of Environmental Protection to adopt regulations establishing flow regulations for all river and stream systems.

The existing statute already calls for the regulations to provide “for the needs and requirements of public health, flood control, industry, public utilities, water supply, public safety, agriculture and other lawful uses of such waters”. It also calls for the regulations to recognize and provide “for stream and river ecology, the requirements of natural aquatic life, natural wildlife and public recreation....”. In short, the existing statute already calls for a balanced approach.

Since the 2005 law was passed, the DEP has conducted an intensive five-year process with three advisory committees comprised of all stakeholders, to achieve a balance in its proposed regulations. It has been one of the most inclusive, lengthy regulatory processes in recent memory.

Do we agree with everything in the proposed regulations? No; we think they are weaker than they need to be to provide adequate protection of rivers. Almost all of the many, many changes made to various drafts of the regulations have been in the direction of weakening the stream protection they would provide. But to suggest that DEP has not listened sufficiently to all parties or deliberated enough is highly inaccurate.

If Bill 1020 is passed, that very lengthy five-year process of developing streamflow regulations would basically be started all over again. And if we cannot abide by the extremely reasonable proposal that has been developed through this five-year process; we are basically saying that we will never regulate streamflow in any meaningful way in this state. If we cannot abide by the process that the Regulation Review Committee, which has shown itself to be very diligent and cautious, has commenced regarding the proposed regulations, we are in effect saying that we will never regulate streamflow in this state.

Why do we need any regulations? I'll let the following quotes from just a few of the 200 people who submitted comments supporting the regulations speak to the problems facing too many of our streams:

“I have personally seen a number of, instances in Connecticut where large amounts of water have been drawn from streams to the detriment of the environment, and the related wildlife. I am especially concerned with the destruction of Brook Trout (*Salvelinus Fontinalis*) in the streams where they have persevered since the last glacial age.” **Resident of Fairfield**

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